

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

RONALD MCQUEEN,

Defendant.

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*** CASE NO. 2:06cr198-WKW-(WO)**

**Petitioner's Objections to the Magistrate Judge's Report and Recommendation
of December 6, 2006**

Comes now the defendant and files these objections to the Magistrate Judge's Report and Recommendation and states as follows:

1. Defendant considers his previously filed pleadings, supplements and responses in conjunction with the facts to be dispositive and adopts the same by reference as if fully set forth herein.

2. Defendant urges this Court to review the facts, arguments and citations of authority and reach the conclusion that would grant the relief defendant is seeking.

Specific Objections

3. Page 8 - McQueen objects to the Magistrate's conclusion that the marijuana seized at 8833 Ashland Drive was obtained under circumstances meeting the recognized exception to the warrant requirement of "plain view". The Court

notes in footnote 3, page 9 that the “court is unable to discern that the marijuana was stored in place where documents, such as telephone bills and lease agreements could not be stored.”

4. Page 10-11 - McQueen objects to the Magistrate’s conclusion that the affidavit in support of the 8833 search sufficiently establishes the reliability of the informant.

5. Page 11 - McQueen objects to the Magistrate’s conclusion that the affidavit used to obtain the warrant for the 8833 search contained sufficient informant to establish a substantial basis for allowing a state court judge to find probable cause.

6. Page 12 - McQueen objects to the Magistrate’s finding that Officer Drummond’s knowledge that McQueen had outstanding warrants was sufficient probable cause to stop the vehicle. Drummond used this as a pretext to make a drug stop.

7. Page 13 - McQueen objects to the Magistrate’s finding that Mr. Mitchell had the authority to consent to the search at 2200 Windsor Avenue and that the search was valid under the Fourth Amendment.

Respectfully submitted,

s/Susan G. James
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CERTIFICATE OF SERVICE

I hereby certify that on December 19, 2006, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Tommie Hardwick
United States Attorney
P.O. Box 197
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Respectfully submitted,

s/Susan G. James
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